IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE G. BIKSHAPATHY
AND
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 10377 of 2004

Between:
D. Ramesh, S/o. D. Seenaiah, aged about 28 years,
R/o. Fatheminagallu Village, Buchireddy Palem Mandal,
Nellore District.

..... PETITIONER

AND

1 The District Collector, Nellore District.
2 The Revenue Divisional Officer, Nellore, Nellore District.
3 The District Revenue Officer, Nellore, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court may be pleased to issue a Writ or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in insisting for latest caste certificate for promotion to the post of Line Inspector, as illegal, arbitrary and contrary to the Judgment reported in 1997(7) SCC 505 and 1996(1) An.W.R. 381 and consequently direct the respondents to consider the case of the petitioner for appointment to post of group 4 services basing on the caste certificate issued by the Revenue Divisional Officer, Nellore, Nellore District Dt. 10-6-1992 as Schedule Caste candidate.

Counsel for the Petitioner: MR. M.RAVINDRANATH REDDY

Counsel for Respondents: GP FOR SERVICES-I

The Court made the following :

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THE HONOURABLE SRI JUSTICE G.BIKSHAPATHY
AND
THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO.10377 OF 2004

ORDER:
(Per G.Bikshapathy, J)

This writ petition is filed challenging the interim order passed by the A.P.Administrative Tribunal (for short 'the Tribunal') in O.A.No.3143 of 2004 dated 19.05.2004.

2. The matter relates to appointment of Group-IV Services. The petitioner belonged to Scheduled Caste category. It is his case that he was selected for Group-IV Services and that the authorities are insisting him to produce latest Caste Certificate. Aggrieved by the said action of the authorities, he filed the above O.A., and the Tribunal passed the following interim order:

> " Pending further consideration, the respondents are directed to keep one post of Group-IV backlog vacancies vacant. "

Against the said order, the present writ petition has been filed.

3. The learned Counsel for the petitioner submits that insisting of latest Caste Certificate is contrary to the decisions of this Court and also the Supreme Court, and therefore the Tribunal ought to have allowed the O.A. instead of reserving one post. The learned Counsel would also rely on the judgment of this Court reported in ***Singiri Sujatha vs. Government of A.P. Secretary, Social Welfare Department, Hyderabad and others***[1], and also the judgment of the Supreme Court in ***R.KANDASAMY Versus CHIEF ENGINEER, MADRAS PORT TRUST***[2]. Hence, he submits that the order of the Tribunal is liable to be set aside.

4. We have also heard the learned Government Pleader for Services-

I.

5. We are afraid we cannot go into the merits of the case inasmuch as the Tribunal has not disposed of the matter finally, but only to protect the interest of the petitioner, interim order was passed by reserving one post. Whether the insistence of fresh Caste Certificate is necessary or not, is yet to be decided by the Tribunal. Under these circumstances, we are of the view that the matter does not require any interference at this stage.

6. Accordingly, the writ petition is disposed of directing the Tribunal to dispose of O.A.No.3143 of 2004 finally within a period of 4 (FOUR) weeks from the date of receipt of a copy of this order, after giving notice to the parties concerned. No costs.

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(G.BIKSHAPATHY, J)

Dated: 24th June, 2004.

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(B.SESHASAYANA REDDY, J)

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Copies to
1.The Hon'ble Sri Justice G.Bikshapathy (for His Lordship's kind perusal).
2.The Hon'ble Sri Justice B.Seshasayana Reddy (for His Lordship's kind
perusal).
3.The District Collector, Nellore District.
4.The Revenue Divisional Officer, Nellore, Nellore District.
5.The District Revenue Officer, Nellore, Nellore District.
6.Two CCs to the learned Government Pleader for Services-I, High Court
buildings, Hyderabad (O.U.T.).
7.Two CD copies.

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[1] 1996(1) An.W.R. 381

[2] (1997)7 Supreme Court Cases 505